REMARKS

Claims 2, 4-12, 15-23, 30-33, 45-57, and 59 are currently pending. Claims 1, 3, 13, 14, 24-29, 34-44 and 58 have been canceled. Applicants reserve the right to pursue original and other claims in this and in other applications.

Claims 1-3, 5, 12-14, 16, 23-25, 27, 45-47, 48, and 56-59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsunoshita (U.S. Pat. No. 7,227,661) in view of Okubo (U.S. Pat. No. 5,647,010). Applicants respectfully traverse this rejection.

The invention is directed to a copy protection system which reads a pattern from a background image of a document. According to the Abstract:

> The first pattern detecting mechanism detects a background dot
> pattern embedded in a background image included in image data of an
> original image from the image data. The memory stores an anti-copy
> background dot pattern. The pattern identity determining mechanism
> compares the detected background dot pattern with the anti-copy
> background dot pattern stored in the memory and determines that the
> detected background dot pattern is substantially identical to the anti-
> copy background dot pattern stored in the memory.

In an exemplary embodiment, the invention uses watermarking images to provide the indication of whether a document is copy protected. If the document is copy protected, based on the background image, then the image is provided as part of the copy.

Claim 2 recites:

> An image processing apparatus, comprising:
>   a first pattern detecting mechanism configured to detect a
> background dot pattern embedded in a background image included in
> image data of an original image from the image data;
>   a memory for storing an anti-copy background dot pattern; and
>   a pattern identity determining mechanism configured to
> compare the detected background dot pattern with the anti-copy

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background dot pattern stored in the memory and determine whether
the detected background dot pattern is substantially identical to the
anti-copy background dot pattern stored in the memory,

wherein the image data is data obtained by a reading of the original
image with an original reading apparatus.

Matsunoshita discloses an image generating system for generating an image with specific patterns in the background of the image, where the background patterns indicate that the image is copy protected. Matsunoshita also discloses an image detecting method for detecting an image with specific patterns in the background of the image, where the background patterns indicate that the image is copy protected.

Matsunoshita fails to disclose at least the claim element of a "background dot pattern" and thus also fails to disclose other claim elements that relate to a "background dot pattern." The invention of Matsunoshita discloses a different invention and searches for background patterns like FIGs. 5D and 5E, according to the Office. FIGs. 5D and 5E are "oblique line pattern images." Thus, Matsunoshita fails to anticipate the claimed invention.

The Office admits that Matsunoshita "does not disclose using a dot pattern as the background pattern" and relies on Okubo as allegedly teaching an "inhibition pattern 201 formed on the entire surface (background) of a document to allow detecting unauthorized copying." (Office Action, p. 4) The Office suggests that it would have been obvious to use the Okubo patterns in Matsunoshita "in order to surely and easily identify copy inhibited documents and prevent unauthorized copying" and relies on the Okubo specification at Col. 7, line 62 – Col. 8, line 63. Applicants respectfully disagree.

Okubo discloses

...an image processing device ... with a capability of surely
identifying confidential or secrecy documents which should be
protected from unauthorized persons. The confidential or inhibited
documents are provided with inhibition patterns by printing or
copying over the entire surfaces thereof. The device prevents image

data representative of this kind of documents from being improperly copied, transferred, stored or input.

(Okubo, Abstract)

Okubo further discloses that the inhibition pattern or patterns are printed or copied on the entire surface of the document. Okubo's FIGS. 2A and 2B, which are reproduced below, are used to describe the inhibition pattern which would indicate whether or not the document represented by the image data is an inhibited document. According to Okubo:

> The inhibition pattern or patterns are printed or copied on the entire surface of an inhibited document beforehand. For example, as shown in FIG. 2A, inhibition patterns 201 may be printed or copied on the entire surface of a fresh sheet. Such a sheet will turn out a secrecy or inhibited document when information is recorded therein. In this embodiment, the inhibition patterns 201 are implemented by a conventional secrecy numbering function available with a digital copier, although such an implementation is only illustrative. As shown in FIG. 2B in an enlarged scale, the inhibition patterns 201 are each configured by a mesh of about 65 lines (numeral "1" in the figure). When the patterns 201 are distributed over the entire surface of a document, as shown in FIG. 2A, the embodiment determines it to be an inhibited document and prevents it from being copied, as will be described in detail later.
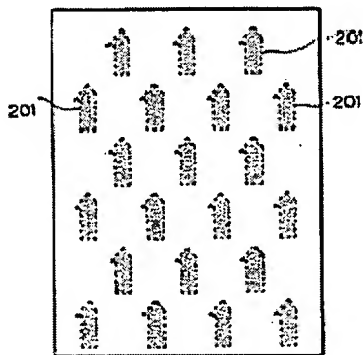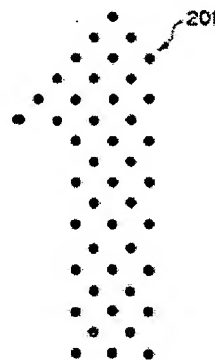
(Okubo, Col. 7, lines 47-59)

Fig. 2A

Fig. 2B

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Okubo fails to cure the deficiency of Matsunoshita and (the section of Okubo identified and relied upon by the Office) fails to disclose a differentiation between an image appearing in the foreground image and an image appearing in the background. Therefore, Okubo fails to disclose a "*background* dot pattern." Matsunoshita only searches for inhibition patterns as they may exist in a document. Therefore, the rejection of claim 2 should be withdrawn and the claims allowed over the combination of Matsunoshita and Okubo. Claims 4-11 depend from claim 2 and are allowable for at least the same reasons, as well as on their own merit.

Independent claims 12, 23, and 45 also include a "background dot pattern" element and thus are allowable over the combination of Matsunoshita and Okubo for at least the reasons noted above. Claims 15-22, 30-33 and 46-57 and 59 depend from claims 12, 23 and 45 respectively and are allowable for at least the same reasons, as well as on their own merit.

In view of the above, Applicants believe the pending application is in condition for allowance.

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